



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2502473 & 2502477

**Applicant Name:** Elzbieta Zielinska, Weber+Thompson Architects, for  
Intracorp Real Estate, LLC

**Address of Proposal:** 123 2<sup>nd</sup> Av N. & 151 John St.

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to establish use for future construction of a 6-story, 107 unit apartment building with thirteen live/work units and 1000 square feet of commercial space at street level. Parking for 160 vehicles will be provided in two levels of mostly below-grade parking and accessed from the alley (this building to be located at 123 2<sup>nd</sup> Av N).

Also, Master Use Permit to establish use for future construction of a 7-story, 17 unit apartment building. Parking for 23 vehicles to be provided within the structure, at and below grade, to be accessed from the alley and from Warren Av N. (this building to be located at 115 John Street).

The following approvals are required:

**Design Review** - Chapter 23.41, Seattle Municipal Code (SMC)

**Administrative Condition Use** – Chapter 23.47, SMC

**SEPA – Environmental Determination** - Chapter 25.05, SMC

**SEPA DETERMINATION:** ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

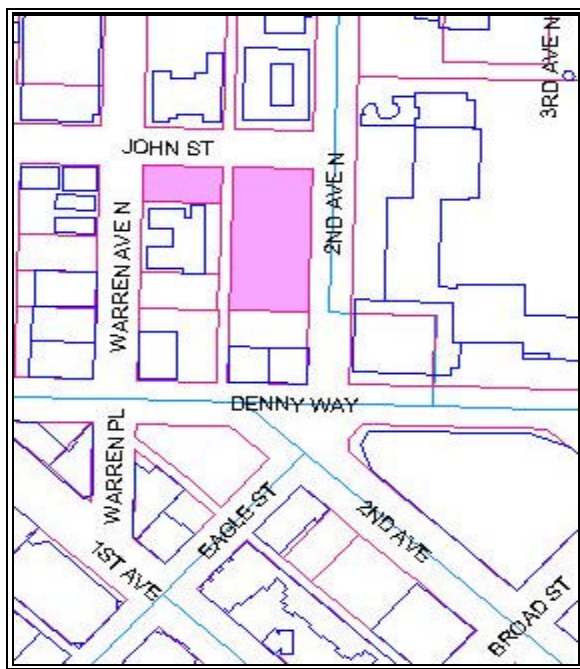
☒ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or  
another agency with jurisdiction.

## **BACKGROUND DATA**

### **Site and Vicinity Description**

The two project sites abut John Street between Warren Avenue N. and 2<sup>nd</sup> Avenue N., separated from each other by a north-south running alley that traverses the block. 151 John St. is the smaller of the two sites. Rectangular in shape, its John Street property line is 120 feet and its Warren Avenue N. property line is 60 feet in width. The property currently is used as a surface parking lot serving Seattle Center, as is the lot at 123 2<sup>nd</sup> Avenue N., the larger of the two sites. The larger site has a 120-foot property line abutting John Street and extends 240 feet south from John Street. Both sites are zoned Neighborhood Commercial Three (NC3 65) with a sixty five foot height limit. The terrain slopes down substantially from north to south west on the east lot and from east to west on the west lot.



Located immediately across Warren Av. N. from the western site, the Pittsburgh Apartments architecturally embody the characteristics of an earlier era's genteel ideal of close-to-downtown apartment living. The structure, built in 1907, includes elegant bay windows, terra cotta ornament, and intimate entry courts. Directly to the south of the western proposal site are the Queen Court Apartments, containing 34 units and built in 1930. South of the Queen Court apartments is an undistinguished mixed use building, predominantly in residential use, constructed in 2002. Recently, a six-story apartment structure was approved to be constructed across from this building at 115 Warren Avenue N. Directly across 2<sup>nd</sup> Avenue N. from the larger site is the Pacific Science Center, a part of the Seattle Center and a remnant of the 1962 World's Fair. The entire development area lies within the

Uptown Urban Center Village.

Through traffic is somewhat limited on the side streets north of Denny due to the impenetrability of Seattle Center. The proximity of parking garages and the availability of on-street parking, however, sporadically attract visitors seeking parking for Seattle Center events and attractions as well as for nearby commercial uses on Denny Way and 1<sup>st</sup> Ave N. and Queen Anne Ave. N.

Within the immediate vicinity parking lots and low commercial structures predominate. NC3 65 zoning surrounds the subject site until the zoning classification shifts to NC3 85 for Seattle Center. Denny Way, a half block to the south, is where this "uptown" neighborhood meets the "downtown, and the zoning changes to Downtown Mixed Commercial with a sixty five foot height limit (DMC 65). Land Uses do not necessarily match the neighborhood commercial zoning designation as there are a number

of older, 3-story and 4-story single-purpose residential apartment buildings scattered throughout the area.

### **Applicant's Proposal**

The applicant proposes a six story, 17-unit apartment building to be built on the smaller of the sites, the corner lot that abuts onto John Street and Warren Avenue N. Two separate levels of parking for 23 vehicles will be contained within the structure and will be accessed from the alley and from Warren Avenue N. This structure is proposed as a single-purpose residential structure, which requires an administrative conditional use approval in the neighborhood commercial zone. The appropriateness of the single-purpose residential use is discussed below (see "Analysis-Administrative Conditional Use"). The site abutting 2<sup>nd</sup> Avenue N. is proposed to be developed with a 6-story mixed-use structure that will contain 1000 square feet of retail space and 13 live/work units at ground level as well as 107 residential units on the upper floors. Parking for 160 vehicles will be provided below grade and accessed from the alley.

### **Public Comments**

Public comment was invited at initial Master Use Permit application and at the five design review public meetings. Comments from the Design Review meetings are noted within the Design Review process summaries which follow. No written comments were received during the public comment period. None of the comments made at the Design Review public meetings raised fundamental objections to the proposed project.

## **ANALYSIS - DESIGN REVIEW**

### **Early Design Guidance**

### **ARCHITECT'S PRESENTATION**

Dan Foltz, architect, made the presentation at the first Early Design Guidance meeting held on July 20, 2005. After offering a thorough panoramic look at development within the general vicinity of the two sites, he explained the programmatic considerations for a six-story mixed-use structure with apartments above retail use at ground level, and below-grade parking for the Second Avenue site. The Warren Avenue N. site was presented as offering significantly differing challenges, due to its much smaller size, the steepness of the topographical change from east to west, and the existing residential development to the west and south of the site. An important challenge for the Warren Avenue N. site, proposed for (then) 21 apartment units, was the need to accommodate parking spaces on site for (then) 27 vehicles.

In making his presentation, the architect briefly described and presented schematic drawings and massing studies, including three alternate schemes for accommodating the program on the eastern site. All three proposed schemes pushed a significant, upper-level, residential portion of the structure, as well

as some of the street-level retail use away from Second Avenue. Scheme A, however, pushed the northeast corner of the building in its entirety to the corner of Second and John. Scheme B stepped the corner back to accommodate some public space at the corner location, while scheme C notched the lower, retail portion of the structure and extended the residential upper floors to the intersecting property lines at the corner. As explained by the architect, the building on the corner of Warren Avenue N. and John Street allowed for less flexibility in accommodating its programmatic needs.

Upon completing his brief presentation, Mr. Foltz indicated that he heartily welcomed any guidance the Board might offer the combined project.

### **PUBLIC COMMENTS**

After the Board had asked some clarifying questions of the architect regarding the project, public comment was solicited from those attending the meeting. There were 7 individuals who had entered their names on the sign-in sheet. Comments from the public were generally focused on the Warren Avenue N. building and the potential impacts it could have, including parking and height and scale issues, including the impact of a 65-foot structure on the existing residential structures in the area. More than one individual requested that the design of the proposed Warren Avenue N. structure, in particular, should respect and fit into the historic character of the neighborhood. One individual expressed concern that noisy commercial uses, such as restaurants that stayed open late into the evening, would be of concern to a wider group of residents within the immediate neighborhood.

### **BOARD DELIBERATIONS**

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the siting and design guidance described below and identified by letter and number those siting and design guidelines found in the City of Seattle's *Design Review: Guidelines for Multifamily & Commercial Buildings* of highest priority to this project. One Board member suggested that the proponent should consider looking at a single-purpose residential project for the west parcel.

### **DESIGN GUIDELINES**

#### **A Site Planning**

##### ***A-1 Responding to Site Characteristics***

***The siting of buildings should respond to specific site conditions and opportunities.***

##### ***A-2 Streetscape Compatibility***

***The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.***

##### ***A-3 Entrances Visible from the Street***

***Entries should be clearly identifiable and visible from the street.***

##### ***A-5 Respect for Adjacent sites***

***Buildings should respect adjacent properties by being located on their site to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings***

The guidelines above were all chosen by the board to be of highest priority. In citing them the Board offered the following observations and guidance:

- The Board members noted that the existing neighborhood buildings had a presence to the street generally characterized by smaller setbacks. While the apartment just south of the Warren Avenue N. site has a deep central inset, nonetheless the two arms of the structure make up close to two-thirds of the façade at streetfront.
- The Board discussed the effort on the presented Scheme B to set back the structure from 2<sup>nd</sup> Avenue, but generally agreed that it was more important to bring the structure as much as possible to the corner of 2<sup>nd</sup> and John, thereby creating a stronger and more appropriate relationship to the entrance to Seattle Center. In line with that discussion, the Board members indicated they were not in favor of any dramatic recessing of the first floor at the corner position. A notching of the corner should be a part of the design only in so far as it made sense in its relationship to the actual proposed internal uses for the corner space. The Board indicated they would await that demonstration.
- Due to the overall length of the structure along 2<sup>nd</sup> Avenue, the Board members were in favor of modulation on the upper, residential floors of the structure but generally favored a close alignment of the commercial, street level spaces with the sidewalk along 2<sup>nd</sup> Avenue.
- In addressing the requirements of the site at the corner of John Street and Warren Avenue N., the applicants were advised to pay particular attention to neighborhood character and to note that an essential element of that character was the human scale of the older buildings in the immediate neighborhood.

## B Height, Bulk and Scale

### ***B-1 Height, Bulk and Scale Compatibility***

***Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to nearby, less-intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zones.***

The Board acknowledged the challenges in creating scale compatibility with surrounding smaller residential buildings. They suggested that this project could well set an example of how new development could develop massing methods, including setbacks and other architectural treatments to suggest compatibility with the existing residential buildings in the neighborhood. This was particularly important for the smaller site at the corner of Warren Avenue N. and John Street.

## C Architectural Elements and Materials

### ***C-1 Architectural Context***

***New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complements the architectural character and siting pattern of neighboring buildings.***

**C-2 Architectural Concept and Consistency**

***Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.***

***Buildings should exhibit form and features identifying the functions within the building.***

***In general, the roofline or top of the structure should be clearly distinguished from its façade walls.***

**C-3 Human Scale**

***The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale.***

**C-4 Exterior Finish Materials**

***Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.***

**C-5 Structured Parking Entrances**

***The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of the building.***

- In assessing the architectural context, it was, as one Board member expressed it, “hard not to think brick.” In citing C-1 and C-4, however, the Board indicated that they did not wish to be overly prescriptive regarding materials, but urged the architect and applicants to be mindful that this development would be setting a tone for other development in the immediate area which likewise would take advantage of the height and bulk opportunities of the zone. They suggested that the design development might benefit from looking around the wider neighborhood for elements of basic character, if not for specific historic and iconic referents, that might be reflected in the design of the proposed buildings.
- Regarding C-2, Architectural Concept and Consistency, the Board members expressed some concern that the emphasis on linking the two sites and the design of the two buildings might unfavorably prevent the proposed structure on the corner of Warren Avenue N. and John Street from adequately responding to its specific context with its established older residential character. The Board emphasized that the building at the corner of Warren Avenue North should not be conceptualized as “the same building (as that on 2<sup>nd</sup> Avenue) only in miniature.” The Board suggested that design development should attempt to reflect the discrete difference in character between the two sites and not sacrifice this to demands of a superficial architectural consistency between the two buildings.

**D Pedestrian Environment**

**D-1 Provide convenient, attractive and protected pedestrian entries**

***Convenient and attractive access to the building’s entries should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.***

**D-5 Visual Impacts of Parking Structures**

*The visibility of all at-grade parking structures or accessory parking garages should be minimized. The parking portion of a structure should be architecturally compatible with the rest of the structure and streetscape. Open parking spaces and carports should be screened from the street and adjacent properties.*

***D-6 Screen dumpsters, utility and service areas.***

*Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from street fronts where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and cannot be located in the pedestrian right-of-way.*

***D-7 Personal Safety and Security***

*Project design should consider opportunities for enhancing personal safety and security in the environment under review.*

- The Board indicated that all entries to the buildings needed to be clearly defined. This is particularly true of the main residential entries for each building. If live-work units are to be incorporated into the street level portions of either or both buildings, they should provide clear and layered transition elements such as stoops, foyers, planters or other landscaping.
- The buildings both should minimize the width of their curbcuts and the widths of the driveways that impinge on the pedestrian realms.
- The alley should be a pleasant and safe place to move through. Design of the alley facades of both buildings should be utilized as an opportunity for incorporating architectural consistency of concept (see C2. above). The design might well incorporate elements such as planter boxes or other projections, consistent and effective lighting, etc.
- Recess and screen dumpsters to enhance the desirable pedestrian quality of the pedestrian experience in the alley between the proposed and adjacent structures.

**E Landscaping**

***E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites***

*Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.*

***E-2 Landscaping to enhance the building and/or site***

*Landscaping, including living plant material, special pavements, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.*

***E-3 Landscape Design to Address Special Site Conditions***

*The Landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.*

- The existing sycamore trees should be preserved if possible.

- If the proposal, and subsequent construction cannot maintain the existing trees along 2<sup>nd</sup> Avenue, a landscape plan for street trees should eventuate at maturity in an experience comparable to what exists along the west side of 2<sup>nd</sup> Avenue today.
- As noted above (under D-1), entries to individual live-work (or townhouse) units at street level should incorporate landscaped layerings (including planter boxes and other elements) to clearly define public and private zones, clearly readable from the sidewalk.

Since a large portion of the scheduled meeting addressed the large site along 2<sup>nd</sup> Avenue, the Board requested that a second Early Design Guidance meeting should be held specifically to address the conditions and character of the Warren Avenue N. and John Street site and to identify further guidance for the development of that site.

### **Departures from Development Standards:**

Certain departures from Land Use Code requirements may be permitted as part of the design review process. Departures may be allowed if an applicant demonstrates that a requested departure would result in a development which better meets the intent of the adopted design guidelines (see SMC 23.41.012).

The applicant indicated that two departures from Land Use Code development standards had been identified and were being requested: 1) (SMC 23.47.008D) upper level residential coverage to exceed 64% of the lot size on both sites (70% is being proposed), and 2) (SMC 23.47.008B) provide commercial space less than 30-feet in depth for the proposed structure on the west site. There was an indication that at least one Board member was not convinced of the need for a departure from the limit of upper floor residential coverage for the larger structure on the east site. Nevertheless, it was indicated that the granting of development standard departures, both those identified and others that may be yet be identified by the applicant, would continue to be entertained by the Board provided the final design successfully responded to the design guidelines enumerated above.

### **Second Early Design Guidance Meeting, September 21, 2005**

The Design Review Board and DPD concurred in the applicant's request for a second Early Design Guidance meeting to address the specific site conditions and context of the smaller lot at 151 John Street. At the July 20<sup>th</sup> meeting members of the Board had concurred that each of the two development sites presented very different contexts for design guidance.

The architect, Mr. Foltz, presented on behalf of the applicants before the Board which consisted of the four members who had been present at the earlier EDG meeting of the Board. He indicated that the applicant was now proposing a 17 unit condominium/apartment structure in which several units would take ground-level access directly off John Street. (This would require an application for Administrative Conditional Use to allow for single-purpose residential use on site at the time the projects were submitted to DPD for Master Use permitting.) The portion of the proposed structure directly adjacent the alley on the east would present a solid mass which would be clad in materials which would link it



more directly to the related development being proposed between the alley and 2<sup>nd</sup> Avenue N. The rest of the structure would step down toward Warren Avenue N. and would exhibit substantial glass and metal fronts within a brick frame that would stand two-stories in height along the Warren Avenue façade. Portions of the building facing the south and towards the alley would be clad in stucco, wood or composite siding. The building would be stepped back along Warren Avenue N. Access to parking would be from both Warren Avenue and the alley. In presenting the drawings and plans for the proposed structure, the architect indicated that there were no departures from development standards proposed for the smaller site and structure.

### **Public Comment**

Four members of the public affixed their names to the sign-in sheet for the meeting. One question was asked about the proposed color of the window glass within the street-facing facades and one member of the public expressed concern and stated that it would be out of place within the existing residential neighborhood context to provide an “EIFS” finish where stucco had been mentioned as an exterior finish material.

### **Board Deliberations**

Having visited the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the additional design guidance described below for the project proposed for the 151 John Street property.

- In general, the proposed massing, pulled away from the existing residential structure on the lot to the south, was a positive gesture and one the Board approved; the Board urged the continuance of this respect for height, bulk and scale transitions (B-1) and respect of nearby sites (A-5).
- The Board did not believe, however, that stepping the massing away from Warren Avenue N. was the right move; in order to create a more responsive relationship to the other residential structures on Warren Avenue N. and in order to strengthen the corner at Warren and John Street, the proposed brick frame and massing needed to rise at least three, and possibly four, stories along the Warren Avenue N. façade before stepping back.
- There was a general consensus among the Board members that the brick frame needed more mass and needed to appear less frame-like.
- In order to ensure the expression of increased mass, the Board indicated the applicant could benefit from exploration of more of a punched-window look, at least along the Warren Avenue N. façade.
- There was extensive discussion about the desirable depths of setbacks along the lower façade at Warren Avenue N. and of the desirable depths of upper setbacks; it was agreed that holding the building back from the sidewalk some 5 ½ to 6 feet and providing a softened landscape there would provide the best accommodation to the residential structure to the south and the pattern established by residential structures on both sides of the street.
- The Board engaged in extensive discussion regarding the undesirability or desirability of the disjunctive appearance of the portion of the building that sat at the edge of the alley; it could not

be agreed whether strong distinction in façade materials as shown was an asset to the design; it was seen as of less importance that there be a link in materials between portion of the building and the larger development east of the alley. The Board did agree, harkening back to Guideline C-2 that the final design of the structure needed to exhibit a well-proportioned and unified building form, one that arose from an overall architectural concept. At the moment, the Board observed, the building was too busy to achieve that goal; there were too many things going on; it stood in need some simplification.

The Board only briefly discussed the larger structure proposed for 123 Second Avenue N., affirming their earlier guidance and the Guidelines (see above, under the first Early Design Guidance meeting) selected as being of highest importance for that project. In addition, there was some concern expressed, lest the total actual proposed retail/ commercial area within the mixed-use structure proposed for Second Avenue N. become too insubstantial.

## **DEPARTURES**

The proponent presented two preliminary departure requests specific to the 151 John Street proposal. These included 1) an reduction of required open space and 2) a reduction of the required 13-foot floor to floor heights for the live/work units. The Board, in general, expressed some reservations as to the extent of these reductions, but did indicate its willingness to entertain the recommendation of the granting of such departures insofar as the design development favorably responded to the Design Guidelines identified as important for the project.

## **Recommendation Meetings**

### **February 1, 2006**

The Recommendation Meeting on February 1, 2006 was attended by four Board members, with one Board member recused. The development team briefly reviewed the intended program and the major features of the design for the structure proposed west of the alley at 151 John Street, with an emphasis on addressing issues raised by the Design Review Board at the Early Design Guidance meetings. In keeping with the earlier design, access was proposed both from the alley and from Warren Avenue N.

## **Departures from Development Standards:**

Certain departures from Land Use Code requirements may be permitted as part of the design review process. Departures may be allowed if an applicant demonstrates that a requested departure would result in a development which better meets the intent of the adopted design guidelines (see SMC 23.41.012).

The proponent presented three requests for departures from development standards for this project: 1) a reduction of required open space as a percentage of gross floor area in residential use, from 20 percent (SMC 23.47.024A) to 14 percent, 2) a reduction in the minimum horizontal dimension for the ground-level setback along Warren Avenue N. to be counted as qualifying usable open space, from 10 feet (SMC 23.47.024B2) to 6 feet , and 3) an increase

in the allowable percentage of lot coverage for residential use above 13 feet from 64 percent to 67 percent (SMC 23.47.008D).

### **BOARD DELIBERATIONS**

Having asked clarifying questions of the development team and having solicited public comment, the four members of the Board present agreed that the proposed building exhibited a level of careful detailing and massing that succeeded in creating a well-proportioned and unified building and resulted in a form that fit in well with its surroundings. The Board agreed that the proposed design, having pushed the second and third floor residential areas closer to Warren Avenue N. and having extended the brick façade vertically to include these areas met the guidelines identified to have been of highest priority for this site and succeeded in creating a structure that had responded to the Board's earlier guidance. The four Board members present unanimously agreed to recommend approval of the design presented, with a request that three elements of the design as presented be changed: 1) fenestration of the ground-level unit at the corner of John Street and Warren Avenue N. should be extended further to the south within the Warren Avenue façade to create greater transparency into the unit and to provide a stronger relationship between the unit and the street; 2) the sequence of entry between the sidewalk along John Street and each of the street-level units should be refined so as to provide a clear, easily read, and uncomplicated pathway; 3) the windows inset within the brick portion of the building should provide greater variegation by incorporating an increase in the number of horizontal mullions.

### **Departures from Development Standards:**

Certain departures from Land Use Code requirements may be permitted as part of the design review process. Departures may be allowed if an applicant demonstrates that a requested departure would result in a development which better meets the intent of the adopted design guidelines (see SMC 23.41.012).

The proponent presented three requests for departures from development standards for the project at 151 John Street: 1) a reduction of required open space as a percentage of gross floor area in residential use, from 20 percent (SMC 23.47.024A) to 14 percent, 2) a reduction in the minimum horizontal dimension for the ground-level setback along Warren Avenue N. to be counted as qualifying usable open space, from 10 feet (SMC 23.47.024B2) to 6 feet, and 3) an increase in the allowable percentage of lot coverage for residential use above 13 feet from 64 percent to 67 percent (SMC 23.47.008D).

At the February 1, 2006 meeting, the four members of the Board **recommended approval** of the three departures requested for the proposed building at 151 John Street and recommended approval of the overall design for the structure, with the recommended changes noted above. It was understood that another recommendation meeting would be scheduled to address the design development of the building proposed for 123 2<sup>nd</sup> Avenue N.

### **February 15, 2006**

## **ARCHITECT'S PRESENTATION**

Dan Foltz, architect, made the basic presentation for the applicant. After briefly explaining the programmatic considerations for a seven-story mixed-use structure with apartments above retail use and live/work units at ground level, and below-grade parking for the site, he showed a design development that he indicated responded to the design guidelines indicated by the Board to be of the highest priority for the project.

The proposal, in keeping with what had been presented at a less developed level as the preferred alternative at both the first (as scheme C) and second Early Design Guidance meetings, showed the residential, upper portion of the structure, as well as the street-level live/work units, pulled away from the sidewalk running along Second Avenue. In response to the earlier guidance of the Board to adopt one of the features from the earlier presented Scheme A, the developed plans had pushed the northeast corner of the building closer to the corner of Second and John. (Scheme B as shown at the first Early Design Guidance meeting had stepped the corner back to accommodate some public space at the corner location, while the preferred scheme C had notched the lower, retail portion of the structure and had extended the residential upper floors to the intersecting property lines at the corner).

As part of their Early Design Guidance, the Board had cited guideline 2, "Streetscape Compatibility" as being of highest priority for the project: "the siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way." The Board had noted that the existing neighborhood buildings had a presence to the street generally characterized by small setbacks. The Board had further indicated, as their guidance under "A-3, Entrances clearly visible from the street," that the effort as presented in proposed Scheme B to set back a portion of the upper residential units as well as the sidewalk level live/work units from 2<sup>nd</sup> Avenue was "an acceptable move". Due to the overall length of the structure along 2<sup>nd</sup> Avenue, the Board members were in favor both of setting back and modulating the upper, residential floors of the structure.

Also, in citing guideline "A-3, Entrances clearly visible from the street," the Board had given the following guidance: "If live-work units were to be incorporated into the street level portions of the buildings, clear and layered transition elements such as stoops, foyers, planters or other landscaping should be provided between the sidewalk and these units."

The proposed structure was presented by the development team as having responded specifically to these guidelines and accompanying guidance. In plan, the proposal presented a basic part of a rectangular box pulled tightly to the corner at 2<sup>nd</sup> and John and relatively tightly to the street between 2<sup>nd</sup> Avenue and the alley to the west. The southern portion of the rectangle was also shown as fairly tight to the street, south property line and alley, with the central, upper portion modulated and eroded from both the alley and 2<sup>nd</sup> Avenue.

In citing "C-1, Architectural context," and "C-4, Exterior finished materials," the Board had earlier indicated that they did not wish to be overly prescriptive regarding materials. Without further specific

guidance, they had urged the architect and applicants to be mindful that this development would be setting a tone for other development in the immediate area which likewise would take advantage of the height and bulk opportunities of the zone. They suggested that the design development might benefit from looking around the wider neighborhood for elements of basic character, if not for specific historic and iconic referents, that might be reflected in the design of the proposed buildings.

Citing “C-2, Architectural concept and consistency,” as being of highest priority for the project, the Board members had expressed concern that the applicants’ initial emphasis on linking the two sites and the design of the two buildings could unfavorably prevent the two proposed structures from responding to their specific contexts and the discrete differences in character between the two sites. The proponents were cautioned not sacrifice this to demands of a superficial architectural consistency between the two buildings. The building at the corner of Warren Avenue North and John Street needed clearly to respond to the residential context and historical residential structures of established character. The structure proposed for 2<sup>nd</sup> Avenue lay directly across the street from a developed portion of the Seattle Center, specifically one (primarily service-oriented) side of an institution of some size and bulk, the Pacific Science Center. By pulling the sidewalk-level retail/commercial space more closely to the corner of John Street and 2<sup>nd</sup> Avenue North, the Board indicated, the structure would offer a stronger and more appropriate relationship as being close to several entrances to Seattle Center.

In describing the landscape plan for the development, the design team explained in some detail how the proposed scheme had responded to guideline “D-1, provide convenient, attractive and protected pedestrian entrances,” and guidelines “E-2, landscaping to enhance the building and/or site,” and “E-3, landscape design to address special site conditions.” Much of the presentation focused upon the proposed landscaping for 2<sup>nd</sup> Avenue, both off and on site. The applicants indicated that, with initial concurrence of Seattle Department of Transportation, they were proposing a traditional planting strip with new street trees to separate the street from the sidewalk, and significant landscaping at grade and in a variety of planters to achieve the layering effect specifically asked for by the Board.

In concluding their presentation, the development team indicated that the design development of the 2<sup>nd</sup> Avenue building which had been presented had proceeded along the lines indicated in their preferred scheme while responding to the guidelines that had been identified of highest priority and to the specific guidance that the Board had given as part of the Early Design Guidance addressed to the project.

### **Departures from Development Standards**

In the course of their presentation the development team indicated that the design as presented would require the Board recommendation of approval for the following design departures: 1) providing usable open space in the amount of 10 percent of the gross floor area in residential space (rather than the Code required 20 percent--SMC 23.47.024 A ); 2) allowing a portion of the amount of area to be counted within the 10 percent of provided usable open space to have a minimum horizontal dimension of 8 feet rather than the Code requirement of a minimum horizontal dimension of 10 feet—SMC 23.47.024 B3 ); 3) allowing the residential floor area 13 feet above finished grade to exceed a maximum lot coverage

of 64 percent (the applicant, at the time, was proposing 70.5 percent lot coverage—SMC 23.47.008 D).

### **PUBLIC COMMENTS**

After the Board had asked clarifying questions of the architect regarding the project, public comment was solicited from the one member of the public attending the meeting. That member of the public represented herself as speaking from the broader perspective of the Uptown Alliance and identified two issues as of importance to the group's planning efforts. First, rather than thinking of the Seattle Center as a substitute open space for the community, the Alliance was promoting an increase in general of open space for residents of the area which would be apart from, physically and conceptually, the Seattle Center; in general they were not in favor of any diminishment of required open space. Secondly, the Alliance was in favor of activating the alleys within the area as pedestrian pathways and enhancing the environment and of the alleys.

### **BOARD DELIBERATIONS**

The Board spent some time in discussing the details, quality and location of usable open space for the residents of the proposed structure. The Board also gave its explicit general approbation of the terracing, stairs, water feature and landscaping proposed for the area in front of the façade where the proposed structure would meet 2<sup>nd</sup> Avenue N. these spaces would not technically qualify as meeting the required open space for the project, but the Board indicated its recommendation of approval for one of the departure's requested-- to allow less than the required 20 percent of gross floor area in residential space as open space—because of the overall variety, texture and quality of open spaces proposed on site.

*In addressing the second departure request, however, that to allow the upper residential portion of the structure to cover more than 64 percent of the site area, all four Board members present indicated an unwillingness to recommend granting that departure given the current status of design development they had been shown.*

The Board commented that the project needed further refinement and noted that “excellence in design” was a prerequisite for the development team's achieving an increase in the size of the upper building envelope such as they were requesting.

The Board indicated that the project must be returned for a subsequent Recommendation Meeting. During the deliberation portion of the meeting the Board spent a considerable amount of time chiding the developers about the “general lack of excellence in design” and arguing the point with members of the development team.

At the second Early Design Guidance meeting on the overall proposal for structures at 123 2<sup>nd</sup> Avenue N. and 151 John Street, the Board had focused its attention on the smaller building proposed for the corner of Warren Avenue N. and John Street. They only briefly discussed the larger of the proposed structures, that for 123 Second Avenue. In doing so they had affirmed their earlier guidance and those Guidelines selected as being of highest importance for that project. The only specific guidance expressed was a concern voiced by one Board member lest the actual area of the proposed retail/commercial space at the corner of 2<sup>nd</sup> Avenue N. and John Street become too small.

Finally, although the Board had earlier, in their Early Design Guidance, specifically noted that “the alley should be a pleasant and safe place to move through,” and public comment at the meeting had confirmed this as a desideratum for interests representing a broad spectrum of neighborhood opinion, the Board appeared to back off from the “pleasant,” and to suggest that “safety”—for the residents of the proposed structure—was of higher priority than the “delight” of those seeking the alley as a passageway.

Although the Design Review Board offered little to the development team by way of added concrete statements regarding how “general excellence of design” might be reached in this instance, the Board indicated that the proposal should undergo further design development before being returned for an additional Recommendation Meeting. The Board indicated that its approval of the additional requested departures, especially for exceeding upper level residential coverage, would be based upon a significant improvement of the overall design.

### **Development Standard Departures:**

At the February 15<sup>th</sup> Recommendation meeting the Board recommended approval of the request for a departure from the following standards: to provide less than the Code-required (SMC 23.47.024A) 20-percent of gross floor area in residential use as usable open space, and to allow an area of open space with less than a 10-foot horizontal dimension to be counted toward provided open space (SMC 23.47.024 B3). The applicants are still seeking a departure for upper-level residential coverage to exceed 64% of the lot size (SMC 23.47.008D). Additionally, the applicants will be seeking a departure from mixed-use development standards (SMC 23.47.008B and SMC 23.47.008 C2) which require non-residential space to have a floor-to-floor minimum height of 13 feet extending at least 30-feet in depth from the front façade at street level or the proposed structure (the proposed live/work units).

Staff advised the applicant and the Board that this improvement in overall design should be grounded in a response to the design guidelines identified by the Board as being priorities as part of the earlier Early Design Guidance meetings.

It was expected that the Board’s recommendation to the Director whether to approve, or conditionally approve, the project would be based on the design guidelines. It was further expected that the Board’s recommendation whether to approve, condition or deny any requested departures from development standards would also be based upon the design guidelines (SMC 23.41.014 E2).

### **Recommendation Meeting, March 15, 2006**

At a regularly scheduled meeting of the Design Review Board for Area 3 held at the Queen Anne Community Center on March 15, 2006, the development team again presented plans and drawings for the structure proposed at 123 2<sup>nd</sup> Avenue N. and recounted a chronology of the Board’s review of this, the major portion of the overall development proposed for the two sites.

Although the proposed building remained basically unchanged in bulk and form from that earlier presented, there were several refinements within the 2<sup>nd</sup> Avenue façade. Most notable of these was at the northeast corner where the storefront glazing system extending up through four floors of residential units above the retail space established a strong anchor and lantern-like effect at the site's most significant corner.

## **DESIGN DEPARTURES**

A good deal of the presentation time and subsequent Board deliberation was given to the design departures requested for the project. These were: 1) reduce the required usable open space from 20 percent of the gross floor area in residential use to 11 percent; 2) reduce the minimum size of qualifying open space from 10 feet to 8-feet-2inches at the terrace on the southwest corner; 3) qualify the live/work units with entries 6feet 6 inches and 3 feet nine inches (exceeding the maximum allowable of 3 feet) above the adjacent sidewalk as meeting the non-residential space at street level requirement; 4) qualify the live/work units shallower than 30 feet in depth as required non-residential uses at street level; 5) qualifying live/work space with mezzanine levels less than 13 feet above the main floor as required non-residential uses at street level; and, 6) increase the allowable residential lot coverage above thirteen feet to exceed 64 percent (69.12% now proposed).

## **Board's Deliberations**

No members of the public were present at the time the Board chair asked for public comment, so the Board went right into what turned out to be a lengthy period of deliberation on the project. There were two elements within the design as presented that elicited the unanimous approval and commendation from the Board members. The first of these was the refined expression of the tower at the northeast corner; the second was the Mondrian-esque play of muntins, mullions and colored glazing within the store-front window assemblies fronting the live/work units. Other elements of the design were subjects of spirited debate between Board members, but none of the discussions arrived at a clear consensus for alternative solutions or recommendations.

After considering the proposed design and design solutions presented in relation to previously stated design guidelines, three of the four Design Review Board members present, with one dissenting, recommended approval of the subject design. The same three Board members, with one dissenting, recommended approval of the requested development standard departures.

The longest individual portion of the Board's deliberation was centered on the applicants' request for upper-level residential lot coverage to exceed 64 percent. Three of the Board members finally agreed that the development team had come up with an overall design sufficiently improved over previous iterations to warrant a recommendation of design approval and to warrant recommendation for approval the requested design departures, including the request to allow upper-level residential lot coverage of 69.12 percent.



In recommending approval of that departure, the Board discussed how the appearance of the windows at the northeast corner and edge of the building was such a defining element of an acceptable and successful design that it was essential to get it just right. The Board expressed doubt that a vinyl window system could get it just right. Finally, the Board recommended, as a condition of overall design approval and the granting of a departure for residential lot coverage to exceed 64 percent, that the store-front window systems shown at the corner element at Second Avenue N. and John Street, not only at the street level but at the four residential levels above as well, should consist of black metal framing rather than vinyl. In recommending approval of the presented design and for granting the requested departures, the Board also strongly recommended that the canopy proposed outside the retail space at the northeast be made translucent.

### **DECISION - DESIGN REVIEW**

The Director of DPD has reviewed the recommendations of the Design Review Board members at the February 1, 2006 Recommendation meeting regarding the proposed structure at 151 John Street and finds that they are consistent with the *City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings* and that the applicant has demonstrated that the requested development standard departures would result in a development on this site which better meets the intent of the adopted Design Guidelines. Therefore, the proposed design for the structure to be located at 151 John Street is **approved** as presented at the February 1, 2006 Design Review Board meeting, together with the recommended **development standard departures** noted above also **approved**, subject to the Design Review conditions, enumerated below.

The Director of DPD has also reviewed the recommendations of the Design Review Board at the March 15, 2006 Recommendation meeting and finds that the Board's recommendations are consistent with the *City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings* earlier identified as being of highest priority for the project. Therefore, the proposed design for the structure to be located at 123 2<sup>nd</sup> Avenue is **approved** as presented at the March 15, 2006, Design Review Board meeting, with the recommended six **development standard departures** noted above also **approved**, subject to the Design Review conditions, enumerated below.

### **ANALYSIS - ADMINISTRATIVE CONDITIONAL USE**

For the site addressed as 151 John Street and as part of Master Use Permit application #2502477, the applicant has applied for an administrative conditional use decision to allow a single-purpose residential structure to be built on that site. SMC 23.47.006B4 contains criteria for permitting single purpose residential uses in commercial zones other than Commercial 2 zones: "In order to conserve the limited amount of commercially zoned land for commercial use, single-purpose residential structures shall generally not be allowed in commercial zones." Single purpose residential structures as provided for in Section 23.47.006.B4 may be permitted in NC1, NC2, NC3 and C1 zones as an administrative conditional use "only when the following circumstances exist:

- a. Due to location or parcel size, the proposed site is not suited for commercial development; or*
- b. There is substantial excess supply of land available for commercial use near the proposed site, evidenced by such conditions as a lack of commercial activity in existing commercial structures for a sustained period, commercial structures in disrepair, and vacant or underused commercially zoned land; provided that single-purpose residential development shall not interrupt an established commercial street front. As used in this subsection, an “established commercial street front” may be intersected by streets or alleys, and some lots with no current commercial use.*

The site is 120 feet in width and 60 feet in depth, making it extremely difficult to provide code-compliant commercial space averaging 30 feet in depth along John Street while still providing space for parking and an adequate parking aisle within the 60-foot depth of the lot.

The defining characteristics of both Warren Avenue N. and John Street which abut the site are reflective of existing residential development. The 1922 Fionia Apartments are located a block to the west at 109 John Street; the Pittsburgh Apartments, dating from 1907, lie directly across Warren Avenue N.; the Court Apartments, from 1930, lie directly to the south of the site. These structures and uses define an earlier era of in-close, uptown apartment living that remains a preferred alternative by neighbors and neighborhood activists for this enclave within the Uptown Urban Village that lies between the Seattle Center, to the east and the north of the site, and the more commercial developed areas along Denny Way to the south and 1<sup>st</sup> Avenue N. and Queen Anne Avenue N. just to the west.

The developer of the two sites under consideration in this overall analysis and decision had early on explored the possibility of formally combining the two sites into one lot so as to provide for two structures, one mixed-use and the other single-purpose residential as would be allowed outright under the criteria of SMC 23.47 008A. Subsequently, the development team had proposed a structure for the 151 John Street site which provided live/work units at street level, technically qualifying the structure as a mixed-use building. Although beyond their immediate purview, the Design Review Board, at the time of giving Early Design Guidance for the two sites, had encouraged the decision by the development team to seek the necessary approvals to construct a single-purpose residential building on the 151 John Street property. At the Recommendation meeting for the 151 John Street building, the Board members present unanimously commended the development team on a design for a residential structure that sensitively had responded to the existing multi-family residential structures immediately across the street and adjacent to the south property line and to the general residential character of both John Street and Warren Avenue N.

Both John Street and Warren Avenue N. in this immediate area are developed and function as residential streets; the proposed single-purpose residential structure would not interrupt an established commercial street front. There is a substantial supply of commercially zone property to the south and the west, much of it underutilized and developed as commercial surface parking lots. The small parcel

size and the existing residential uses characteristic of the area would make commercial use both difficult and largely undesirable for this site. Residential development on the subject site, zoned NC3-65, would not materially affect the viability of the existing and future commercial development in the vicinity since the established pattern and trend for commercial development will continue to be along Denny Way to the south and along 1<sup>st</sup> Avenue N. to the west. Thus, the proposal satisfies the criteria for allowing a single-purpose residential structure to be constructed on the site.

### **DECISION - ADMINISTRATIVE CONDITIONAL USE**

The proposed action is **GRANTED**.

### **CONDITIONS-ADMINISTRATIVE CONDITIONAL USE**

None.

### **ANALYSIS - SEPA**

This analysis relies on the SEPA checklists submitted by the applicant on October 24, 2005. This decision also makes reference to and incorporates the project plans and other supporting documentation submitted with the two projects.

The Seattle SEPA ordinance provides substantive authority to require mitigation of adverse impacts resulting from a project (SMC 25.05.655 and 25.05.660). Mitigation, when required, must be related to specific adverse environmental impacts identified in an environmental document and may be imposed only to the extent that an impact is attributable to the proposal. Additionally, mitigation may be required only when based on policies, plans, and regulations as enunciated in SMC 25.05.665 to SMC 25.05.675, inclusive, (SEPA Overview Policy, SEPA Cumulative Impacts Policy, and SEPA Specific Environmental Policies). In some instances, local, state, or federal requirements will provide sufficient mitigation of a significant impact and the decision maker is required to consider the applicable requirement(s) and their effect on the impacts of the proposal.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: "*where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,*" subject to some limitations. Under specific circumstances (SMC 25.05.665 D 1-7) mitigation can be required.

The project is expected to have both short and long term impacts.

## Short-Term Impacts

### Construction-Related Impacts

#### Demolition and Excavation

Excavation of 7,000 cubic yards of earth on the 151 John Street site and 22,000 cubic feet of earth on the 123 2<sup>nd</sup> Avenue N. property will create potential earth-related impacts. Compliance with the Stormwater, Grading, and Drainage Control Code (SMC 22.800) will require the proponent to identify a legal disposal site for excavation and demolition debris prior to commencement of demolition/construction. Cleanup actions and disposal of any contaminated soils on site will be performed in compliance with the Model Toxics Control Act (MTCA; WAC 173-340). Compliance with the Uniform Building Code (or International Building Code) and the Stormwater Grading and Drainage Control Code will also require that Best Management Practices (BMPs) be employed during demolition/excavation/construction including that the soils be contained on-site and that the excavation slopes be suitably shored and retained in order to mitigate potential water runoff and erosion impacts during excavation and general site work.

Groundwater, if encountered, will be removed from the excavation by sump pumping or by dewatering system and routed to existing storm drain systems. A drainage control plan, including a temporary, erosion and sedimentation control plan and a detention with controlled release system will be required with the building permit application. In addition, a Shoring and Excavation Permit will be required by SDOT prior to issuance of a building permit. Compliance with the requirements described above will provide sufficient mitigation for the anticipated earth-related impacts.

#### Traffic

It is anticipated that the proposals for both sites would require excavation of a total of approximately 29,000 cubic yards of material to provide for the construction of sub-grade parking garages, none of which is to be stockpiled on site. The excavated material would be exported to an as yet undetermined site. Truck trips related to demolition, excavation and construction are expected to be spaced in time as they either load material and depart or arrive from various locations. These trips could have a negative affect upon transportation levels of service on the surrounding street and highway system unless carefully scheduled, however. Staging of trucks in immediate site proximity during excavation and concrete pouring has the potential for localized traffic disruptions. It is expected that existing regulatory authority in place with Seattle Department of Transportation (SDOT) would allow for control through permitting review of use of surrounding streets to mitigate these potential impacts.

There are three public sidewalks and an alley that abuts the proposal site on Warren Avenue N. Since the surrounding streets provide regular pathways for pedestrians, especially for those who reside in the area, it is necessary to use SEPA policy authority to require that predictable paths of pedestrian travel be established and maintained. The Warren Avenue N. sidewalk along the west project site shall generally be kept open and safely passable throughout the construction period. Sidewalk modifications

and closures will need to be closely coordinated with the impact on pedestrian wayfinding. Any case for the need for the temporary closure of the sidewalks fronting the sites along Warren Avenue N. or along John Street or 2<sup>nd</sup> Avenue N. needs to be disclosed for SDOT approval. Since the alley provides vehicular access to one or two of the properties that share it, any temporary closure of the alley must meet with full SDOT concurrence and approval.

### Noise-Related Impacts

Residential, office, commercial and institutional uses in the vicinity of the proposal will experience increased noise impacts during the different phases of construction (demolition, shoring, excavation). Compliance with the Noise Ordinance (SMC 22.08) is required and will limit the use of loud equipment registering 60 dBA or more at the receiving property line or 50 feet to the hours between 7:00 a.m. and 10:00 p.m. on weekdays, and between 9:00 a.m. and 10:00 p.m. on weekends and holidays.

Although compliance with the Noise Ordinance is required, due to the presence of adjacent and nearby residential uses, additional measures to mitigate the anticipated noise impacts may be necessary. The SEPA Policies at SMC 25.05.675.B and 25.05.665 allow the Director to require additional mitigating measures to further address adverse noise impacts during construction. Pursuant to these policies, it is Department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance may be necessary. Therefore, as a condition of approval, the proponent will be required normally to limit the hours of construction activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:00 a.m. and 6:00 p.m. and on Saturdays between 9:00 a.m. and 6:00 p.m. (Work would not be permitted on the following holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day; if the contractor chooses to work on the following holidays in the City of Seattle calendar, they may be treated as regular weekdays, with work restricted to the hours of 7:00AM to 6:00 PM: Martin Luther King, Jr. Birthday, Presidents' Day, Veterans' Day.)

### Air Quality

Demolition, paving removal, grading and construction will create dust, leading to an increase in the level of suspended air particulates, which could be carried by wind out of the construction area. Compliance with the Street Use Ordinance (SMC 15.22.060) will require the contractors to water the site or use other dust palliative, as necessary, to reduce airborne dust. Puget Sound Clean Air Agency urges that all diesel construction equipment used in this expansion make use of available ultra-low sulfur diesel fuel (less than 15% sulfur) as well as diesel retrofit or original equipment of oxidation catalysts or particle filters.

The Street Use Ordinance also requires the use of tarps to cover the excavation material while in transit, and the clean up of adjacent roadways and sidewalks periodically. Construction traffic and equipment are likely to produce carbon monoxide and other exhaust fumes. Regarding asbestos, Federal Law requires the filing of a Notice of Construction with the Puget Sound Clean Air Agency ("PSCAA") prior to demolition. Thus, as a condition of approval prior to demolition, the proponent will be required to

submit a copy of the required notice to PSCAA. If asbestos is present on the site, PSCAA, the Department of Labor and Industry, and EPA regulations will provide for the safe removal and disposal of asbestos.

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality and will require permits for removal of asbestos (if any) before demolition. Since there is no permit process to ensure that PSCAA will be notified of the proposed demolition, a condition will be included pursuant to SEPA authority under SMC 25.05.675A, requiring a copy of the PSCAA Notice of Intent to be submitted to DPD before issuance of any demolition permit. This will ensure proper control of fugitive dust and proper disposal of asbestos, should it be encountered on the proposal site or adjacent right-of-way.

#### Long-Term Impacts — Use-Related Impacts

##### Land Use

The proposed project, with its right-of-way improvements, street-level non-residential uses, entries along sidewalks, and residential use is consistent with the City of Seattle Comprehensive Plan (1994).

##### Transportation

##### Traffic

Indications are that the proposed development would result in a net increase in daily AM peak hour and PM peak hour trips compared with existing conditions, which include surface public parking lots on each site. Peak hour trips are expected to occur during the typical AM and PM peak periods for the adjacent roadway system (7-9 a.m. and 5-7 p.m.) with the proposed development, rather than as currently linked to the somewhat irregular schedule of events at the Seattle Center.

Vehicular access to the 151 John Street site would occur from the alley that extends from Denny Way to John Street and from Warren Avenue N. Those leaving the site in vehicles could access Denny Way directly from the alley or use John Street to access either First Avenue N. or Queen Anne Avenue N. to the west or Warren Avenue N. or Second Avenue N. to the east. These streets provide vehicle access to local designations as well as the major east-west arterials, including Denny Way and Mercer Street.

Both sites are currently in use as public parking lots primarily serving Seattle Center. The west site is currently striped for approximately 30 parking stalls; there will be a total of 23 parking spaces within the structure proposed for the site. The east site is currently striped for approximately 90 parking stalls; 160 parking spaces are proposed within the new structure. Given the changes in use on site, the peak volumes are anticipated to be between 7 and 9 a.m. and 5 and 7 p.m. rather than tied largely to the scheduled of Seattle Center events as is now the case. Neither project is expected to significantly increase the net impact of site-generated traffic. And since traffic to and from the site would be dispersed to several potential routes, the impacts of project-generated vehicular traffic on nearby intersections are not considered to be significant. It is also anticipated that the location of the site near transit and near a variety of essential services may contribute to a lower overall rate of auto usage

among prospective residential tenants. The site vicinity is well served by public bus transportation. No further SEPA conditioning is warranted.

### Transportation Concurrency

The City of Seattle has implemented a Transportation Concurrency system to comply with one of the requirements of the Washington State Growth Management Act (GMA). The system, described in DPD's Director's Rule 4-99 and the City's Land Use Code is designed to provide a mechanism that determines whether adequate transportation facilities would be available "concurrent" with proposed development projects. The screen-lines relevant to this project would have v/c ratios less than the respective LOS standard and the addition of peak hour traffic generated by the proposal would meet the City's transportation concurrency requirements.

### Parking

Parking will be provided on both sites for their respective uses. Parking for 23 vehicles will be provided within the structure at the 151 John Street site, 160 parking spaces below grade and within the structure at 123 2<sup>nd</sup> Avenue N. Parking proposed will meet the quantity of Code-required parking for each site. The vicinity is well served by public bus transportation. Approximately 12 separate routes operated by King County Metro Transit serve the area and stop near the 1<sup>st</sup> Avenue N. /Denny Way intersection, located within walking distance from the proposal site. These routes provide access from the Uptown Neighborhood to Downtown as well as to other city neighborhoods and through numerous downtown connections provide links with a wider regional transportation system.

### Use of the Alley and Required Improvements for Access to Parking

SMC 23. 53.030 require a two-foot dedication of land along the entire property lines abutting the alley on each site in order to provide for proper alley width. Alley improvements are required for the respective sites and SDOT has given conceptual approval for required alley improvements which includes the following: 1) a full 20-foot paved alley for the first 60 feet extending south from John Street; 2) a full 18-foot paved alley width for the portion of the alley beyond the north 60 feet and extending to the southern property line of the 123 2<sup>nd</sup> Avenue parcel; 3) a structural wall along the western edge of the alley with a vehicular barrier on top, as needed for the elevation difference north of and opposite the south property line of the 123 2<sup>nd</sup> Avenue N. site. SDOT recommends for durability an 8-inch thick concrete pavement where alley paving is required, but indicates that, per the Right-of-Way Improvement Manual, a 3-inch asphalt over 7-inch crushed rock is acceptable. Further review by SDOT of the alley improvements may require traffic impact and safety assessments that could restrict the directionality of the alley or of entering and exiting the alley for the two proposals. Approval and issuance of relevant permits by SDOT and completion of improvements in the alley right-of-way will be required prior to issuance of Certificates of Occupancy. No further conditioning is needed.

### Street Improvements

Street improvements will be required for each project and the extent of these improvements is shown on each set of approved plans. All improvements within the rights-of-way abutting the two sites, including the removal, replacement and addition of any street trees and other physical changes within the public realm adjacent the subject properties will require Street Use permits. The SDOT Urban Forester has indicated that before a Street Use permit is issued for the removal of any of the trees along 2<sup>nd</sup> Avenue N., the full value of the tree(s) will have to be collected and a two-week public notice period addressing their removal will be required. The street improvements, including tree planting and other landscaping will be required to be completed prior to the granting of Certificates of Occupancy. No further SEPA conditioning is warranted.

### **DECISION-STATE ENVIRONMENTAL POLICY ACT**

The proposed action is **APPROVED WITH CONDITIONS.**

### **CONDITIONS – SEPA**

#### **Prior to issuance of any Construction, Shoring or Grading Permits**

1. The applicant shall submit a copy of the PSCAA notice of construction, if needed.
2. A Public notice period addressing the removal of street trees shall have been completed and a Street Use permit shall be issued for the removal of any of the trees along 2<sup>nd</sup> Avenue N. adjacent the site.

#### **During Construction**

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

3. Unless otherwise modified in a Construction Impact Management Plan approved by DPD prior to the issuance of a construction permit, the applicant shall be required to limit periods of all construction to between the hours of 7:00 a.m. and 6:00 p.m. on non-holiday weekdays and between 9:00 a.m. and 6:00 p.m. on non-holiday Saturdays. The no-work holidays are the following: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. The following holidays in the City of Seattle calendar shall be treated as regular weekdays, should the contractor choose to perform construction-related activities on these days: Martin Luther King, Jr. Birthday, Presidents' Day, Veteran's Day. Activities which will not generate sound audible at the property line such as work within enclosed areas, or which do not generate even moderate levels of sound, such as office or security functions, are not subject to this restriction.



4. The sidewalks along the project site, in the Warren Avenue N., John Street and 2<sup>nd</sup> Avenue N. rights-of-way shall be kept open and made safely passable throughout the construction period. A determination by SDOT that closure of any of these sidewalks is temporarily necessary, for structural modification or other purposes, shall overrule this condition.

Prior to Issuance of Certificates of Occupancy

5. Alley improvements as required and approved by SDOT shall be completed and street improvements as required and approved by SDOT shall be completed.

**CONDITIONS-ADMINISTRATIVE CONDITIONAL USE**

None.

**CONDITIONS-DESIGN REVIEW**

Prior to issuance of Master Use Permit

6. Provide within the plan set for MUP 2502477 the following changes requested by the Design Review Board: 1) fenestration of the ground-level unit at the corner of John Street and Warren Avenue N. extending further to the south within the Warren Avenue façade so as to create greater transparency into the unit and to provide a stronger relationship between the unit and the street; 2) a sequence of entry between the sidewalk along John Street and each of the street-level units refined so as to provide a clear, easily read, and uncomplicated pathway from sidewalk to the units; 3) windows inset within the brick portion of the building that show variegation by incorporating an increase in the number of horizontal mullions.
7. Provide within the plan set for MUP 2502473 the following change requested by the Design Review Board: notations to the effect that the frames of the store-front-like windows in the four residential floors aligned above the retail space at the corner of 2<sup>nd</sup> Avenue N. and John Street shall be made of metal or clad in metal (these notations to be translated into the schedule of proposed windows incorporated into the corresponding construction plans); show details for a translucent canopy above the retail space at the corner of 2<sup>nd</sup> Avenue N. and John Street.

**NON-APPEALABLE CONDITIONS-DESIGN REVIEW**

Prior to issuance of Master Use Permit

8. Provide within both MUP plan sets embedded color sheet(s) showing building elevations and proposed landscaping plan.

Prior to issuance of Certificate of Occupancy

9. Construct two buildings with siting, materials and architectural details substantially the same as those presented at the February 1, 2006 (for MUP 2502477) and March 15, 2006 (for MUP

25024073) Design Review Board meetings and as may have been revised per recommendations of the Board at those meetings and with subsequent DPD staff approval.

**CONDITIONS-ADMINISTRATIVE CONDITIONAL USE**

None.

Signature: \_\_\_\_\_ (signature on file) Date: June 22, 2006

Michael Dorcy, Senior Land Use Planner  
Department of Planning and Development

MD:bg

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